

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aliza Klingenstein	Team: Squad #7	CCRB Case #: 202101911	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/09/2021 8:15 PM	Location of Incident: [REDACTED]	Precinct: 44	18 Mo. SOL 9/9/2022	EO SOL 9/9/2022	
Date/Time CV Reported Wed, 03/24/2021 9:28 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 03/24/2021 9:28 PM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Jose Gonzalez	11703	941830	044 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Jose Gonzalez	Off. Language: Police Officer Jose Gonzalez made remarks to § 87(2)(b) based upon ethnicity.			[REDACTED]	
B.POM Jose Gonzalez	Discourtesy: Police Officer Jose Gonzalez spoke discourteously to § 87(2)(b)			[REDACTED]	
§ 87(4-b), § 87(2)(g)	[REDACTED]			[REDACTED]	

Case Summary

On March 24, 2021, § 87(2)(b) reported the following complaint via the CCRB on-line website.

On March 09, 2021, at approximately 8:15 p.m. § 87(2)(b) in the Bronx, § 87(2)(b) was dropping off his friend when Police Officer Jose Gonzalez of the 44th Precinct issued him a summons for illegally parking in a service lane. § 87(2)(b) allegedly asked PO Gonzalez what was happening and offered to move his vehicle. PO Gonzalez allegedly repeated § 87(2)(b)'s words back to him while speaking in an accent and a mocking tone (**Allegation A: Offensive Language: Ethnicity** § 87(2)(g) & **Allegation B: Discourtesy: Word,** § 87(2)(g)).

§ 87(4-b), § 87(2)(g)

There is no video evidence in this case, as PO Gonzalez did not engage his BWC during the incident and no other recordings were taken.

Findings and Recommendations

Allegation (A) Offensive Language: Ethnicity: Police Officer Jose Gonzalez made remarks to § 87(2)(b) based upon ethnicity.

Allegation (B) Discourtesy: Word: Police Officer Jose Gonzalez spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified (**Board Review 01**) that at approximately 8:15 p.m. on March 09, 2021, he double-parked his vehicle outside of § 87(2)(b) in the Bronx to drop off his friend, § 87(2)(b) who lived at this address. § 87(2)(b)'s emergency lights were on. When § 87(2)(b) was about to exit the vehicle, § 87(2)(b) noticed police lights flashing and saw a marked NYPD sedan pull up behind his vehicle. There were two officers inside the vehicle but only PO Gonzalez exited and began to write a summons while standing behind § 87(2)(b)'s vehicle. § 87(2)(b) leaned his head out the driver's side window and said to PO Gonzalez, "Hello officer? What's happening? Am I getting a ticket? Why? I'm just dropping someone off, I can move if you want me to move." PO Gonzalez repeated the exact words § 87(2)(b) said back to him, starting with, "Hello officer?" and then, "Yes sir, you're getting a ticket, sir." While repeating § 87(2)(b)'s words, PO Gonzalez spoke with an accent and used a mocking tone [§ 87(2)(b) spoke English with a non-American accent during his interview]. PO Gonzalez returned to his vehicle before approaching § 87(2)(b) to issue him the summons. § 87(2)(b) tried to explain to PO Gonzalez that he was dropping off his friend and that his emergency lights were on, but PO Gonzalez responded that § 87(2)(b) had turned his lights on after PO Gonzalez had activated his vehicle's lights. PO Gonzalez did not speak with the same accent or tone that he had used earlier in the incident.

§ 87(2)(b) provided § 87(2)(b)'s phone number to the investigation. Between April 15, 2021 and April 28, 2021, § 87(2)(b) was called five times and left voicemails after each call that introduced the undersigned and the reason for contacting him, left the undersigned's phone number, and asked § 87(2)(b) to call the undersigned back. To date, § 87(2)(b) has not contacted the CCRB to provide a statement.

PO Gonzalez testified (**Board Review 02**) that he noticed § 87(2)(b)'s vehicle while directing all other double-parked vehicles on Grand Concourse away as part of his assignment. PO Gonzalez was working alone. When PO Gonzalez approached § 87(2)(b)'s vehicle, § 87(2)(b) did not move his car out of the service lane and the vehicle's lights were off. PO Gonzalez believed the vehicle was unoccupied, so he did not activate his BWC. PO Gonzalez began writing a parking summons from inside his vehicle before he noticed § 87(2)(b)'s brake lights come on, at which point PO Gonzalez turned on his vehicle lights to instruct § 87(2)(b) to pull away. § 87(2)(b) turned on his

vehicle's hazard lights but did not move, so PO Gonzalez exited his vehicle and finished writing the summons while standing behind § 87(2)(b)'s vehicle. Neither § 87(2)(b) nor § 87(2)(b) ever spoke to PO Gonzalez over the course of the incident. While finishing writing the summons, PO Gonzalez told § 87(2)(b) that the next time § 87(2)(b) saw a police car behind him with its lights on and directing him to move, he should react quicker. PO Gonzalez did not say anything else to § 87(2)(b) or § 87(2)(b) did not respond and PO Gonzalez did not recall any non-verbal reaction to what he said. When speaking to § 87(2)(b) PO Gonzalez did not use an accent or tone different from his normal manner of speaking. [During his interview, PO Gonzalez spoke English with a non-American accent.] PO Gonzalez did not repeat any words back to § 87(2)(b) in a mocking accent or tone as § 87(2)(b) did not speak during the incident. PO Gonzalez handed § 87(2)(b) the parking summons and § 87(2)(b) accepted it but did not say anything in response.

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Gonzalez has been a member of service for 14 years and has been a subject in 10 CCRB complaints and 12 allegations, none of which were substantiated. § 87(4-b), § 87(2)(g)

§ 87(2)(g)

(Board Review 04).

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of June 01, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 05).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City in the past 10 years (Board Review 06).

